

due to fraud, mismanagement, and employer bankruptcies during the 1960s. But it has had the effect of leaving patients harmed by their HMO's decisions to deny or delay care with no effective remedy.

Now, what the Democrats do in our Patients' Bill of Rights is to close this loophole and ensure that, like any other industry, HMOs can be held accountable for their actions. Since HMOs have the financial incentive to deny care to patients, they should bear responsibility if such denials cause harm. Employers, under our bill, are shielded from liability unless they make the decision to deny care. But the HMO is not. The HMO can be sued because they are in fact making the decision.

Now I just wanted to, if I could, briefly talk about these sham piecemeal bills that the Republican leadership has brought up in the last few weeks after we started to get a number of signatures to our discharge petition and it seemed as though at some point in the near future we were likely to get enough signatures to bring the Patients' Bill of Rights to the floor. So the Republican leadership has rolled out eight piecemeal bills which they call HMO reform but are really not.

Let me just point out some of the things that are left out in this Republican approach. First of all, the bills only cover people who obtain health insurance through their employer. They fail to extend patient protections to the millions of people that purchase health insurance individually.

Obviously, the patient protections that we are talking about should apply to all health plans, not just plans that are provided by the employer. Also, the Republican bills pretend to secure patients' rights, but they contain no way to enforce those rights other than the weak penalties currently available through ERISA. So the outside independent review, the ability to sue is not there.

The piecemeal bills are inconsistent and incomplete. For example, one of them is supposed to protect against so-called gag clauses where the physician is told that he cannot speak out about a particular procedure that is not covered. But it does not. But the bill the Republicans have put forward to try to deal with these gag clauses does not prohibit plans from retaliating against doctors who discuss the plans' financial incentives. Well, the reality then is essentially the doctors are still gagged and cannot speak their mind.

There are so many other examples. Let me give one other example in an effort to try to address the Democrats' initiative with regard to OB/GYN care. The Republican bill purports to guarantee women direct access to routine OB/GYN care, but it would allow a plan to require a woman to obtain such services from a generalist.

So these are the kinds of games that we are seeing with this piecemeal approach that the Republicans have put

forward. They pretend that they are dealing with some of the patient protections, but in fact they do not.

Mr. Speaker, what I would really like to point out is that, on the one hand, I am pleased to see that the other body is taking up the issue of HMO reform, but I think that it is crucial, first of all, that we in the House bring up the issue and allow for a debate on the Patients' Bill of Rights.

But even more so, it is necessary for us to bring up a bill, a strong comprehensive approach like the Democrats' Patients' Bill of Rights, allow it to be brought to the floor, vote on it, go to conference with the Senate, and have a strong piece of legislation like the Patients' Bill of Rights go to the President.

President Clinton has repeatedly said that he would sign the Patients' Bill of Rights if it comes to his desk. I notice that, during the break, actually over this past weekend, he again used an opportunity I think when he was out on the West coast in Los Angeles to criticize the GOP, the Republican leadership, for trying to avert a vote on true HMO reform.

We are not going to rest, those of us in our party, and I know some of the Republicans as well who care about this issue are not going to rest until we have a comprehensive bill passed by both houses and on the President's desk.

This is what the American people demand. This is what they deserve. It only makes sense to do so if we are really going to provide protections for patients throughout the country.

#### LAS VEGAS FLOOD

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, a flood damage assessment team from the Federal Emergency Management Agency arrived in my hometown of Las Vegas this afternoon.

It may be a bit strange to many of my colleagues to hear the words "flood" and "Las Vegas" in the same sentence. People usually do not think of flooding as a problem that happens in a desert environment. But the potential for flash flood disaster constantly lurks in the summertime in southern Nevada.

I have lived in Las Vegas for 38 years, and I have seen a lot of flash floods. But last Thursday brought rain and flooding like I have never seen before. We were hit with what weather experts called the 100-year flood.

With more than an inch of rain falling per hour, rivers of water swept across the Las Vegas Valley. The metropolitan area was brought to a standstill. Many neighborhoods were under several feet of water. Heroic rescue crews from our police and fire departments and other agencies saved dozens

of people, men, women, and children who were stranded in high waters with frighteningly strong undercurrents, in many cases, danger of being swept to their death by the raging waters. Sadly two people did die.

Helicopter rescue teams crisscrossed the valley, hoisting to safety people who could not escape the onslaught of water and mud that swept down from the surrounding mountain sides. One security officer, Cornell Madison of Las Vegas, repeatedly waded into high waters to rescue trapped motorists. He is one of many, many people who disregarded their own personal safety to help others.

The waters subsided rapidly, and our tourism services were back in full swing within a day. But things did not turn out so well for hundreds of residents whose homes were heavily damaged or destroyed. Many small businesses also suffered heavy losses. In some parts of the city, the devastation was overwhelming, as flood channel banks were ripped apart by fast-flowing run-off waters that were over 10 feet high. Homes were literally torn from their foundations and dumped into the torrent.

Residents were able to flee in time to save their lives, but they had to return to find themselves either homeless or facing massive repair and cleanup expenses.

□ 2015

There is also damage to public infrastructure totaling many, many millions of dollars. I personally helicoptered over the Las Vegas Valley to see firsthand the devastation below, and I went to the worst affected area, the Miracle Mile Mobile Home Park, rolled up my pants legs and went to talk to those residents who had lost everything.

I greatly appreciate FEMA's decision to send in damage assessment teams to help the local governments in my Congressional District identify the losses and advise on how the damage can be mitigated. They will be in the field tomorrow and I will be in communication with them.

I also appreciate the interest and responsiveness of the Small Business Administration in the wake of this disaster. I know that our Federal disaster relief agencies will quickly act upon any requests from local and State officials for assistance. And as representative for the areas that were the hardest hit by this devastating flood, I will continue to communicate the needs of the Las Vegas community to Federal agencies.

The people of Las Vegas have banded together to help one another during this time of dire need for many of our residents. Now is the time for our Federal Government to come into Southern Nevada and lend a helping hand to a community ravaged by flood.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: